



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

## CLARK V. SLEET'S ADM'R.—Decided at Richmond, March 28, 1901.

*Buchanan, J:*

1. EVIDENCE—*Books—Insanity of bookkeeper.* If the plaintiff relies on the books of his intestate to prove the items of a store account against the defendant, the latter may show that the mental condition of the bookkeeper was such during the period the account was running that he was incapable of keeping them correctly.

2. EVIDENCE—*Rejection—Tender of similar evidence.* After a court has rejected, as irrelevant and inadmissible, evidence tendered along a particular line, it is unnecessary to go through the formality of tendering other evidence on the same subject.

3. BILL OF EXCEPTION—*Rejected evidence—Relevancy—How shown.* Although a bill of exception does not disclose what the answers of witnesses who were excluded would have been, it is sufficient where the bill shows that the character of such answers was disclosed in the argument on the admissibility of their evidence.

4. BILL OF EXCEPTION—*Rejected evidence—Relevancy—Materiality.* The relevancy or materiality of rejected evidence must be shown by a bill of exception in order to enable the appellate court to see that the trial court did actually exclude evidence which the exceptant had the right to introduce, and would have introduced but for the ruling of the trial court.

5. APPEAL AND ERROR—*Instructions—Objection in appellate court.* An instruction should not be given when there is no evidence in the cause which tends to support it, but an objection to such an instruction cannot be raised for the first time in this court.

---

MEYER'S SONS V. FALK.—Decided at Richmond, March 28, 1901.—*Harrison, J:*

1. PLEADING—*Estoppel—Depositions—Failure to object.* If, when a deposition is offered to be filed in an action at law, before trial, a party declines to state whether he objects to the filing or not he will be thereafter estopped to object that the deposition was not duly filed.

2. MASTER AND SERVANT.—*Incompetent servant—Defective machinery—Knowledge of master.* A master's knowledge of the incompetency of a servant or of defects in machinery may be established by showing either actual knowledge or such frequent acts of incompetency on the part of the servant or the existence of the defects for such length of time that the law would presume knowledge.

3. APPEAL AND ERROR—*Evidence—General objection—Special objection.* A general objection to evidence will not be considered on appeal if the evidence is admissible for any purpose. If a party desires to have the evidence limited to a particular purpose he should ask the court to so instruct the jury, and, if the request be refused, except to the refusal.

4. INSTRUCTIONS—*Jury sufficiently instructed—Refusal of instructions.* After a jury has been sufficiently and correctly instructed it is not error to refuse other instructions, although they may correctly state the law, as repeated statements of the law in different forms simply tend to confuse and mislead the jury.

5. APPEAL AND ERROR—*Conflicting evidence—Verdict.* Where the jury has been properly instructed on conflicting theories of a case, and the evidence is conflicting, the verdict will not be disturbed, on appeal.